



***Town of Tyngsborough  
Planning Board***  
25 Bryants Lane,  
Tyngsborough, Massachusetts 01879-1003  
Office: (978) 649-2300 ext. 115

MINUTES  
January 21, 2010

**APPROVED**

Attachments:

1. Meeting Agenda
2. Meisner Brem Corp.: Primrose Lane Map 7, Blk. 5, Lots 6,7,8 & 9, dated 12/8/2009
3. Meisner Brem Corp.: Approval Not Required Plan 15-27 Primrose Lane, dated 10/5/2009
4. David E. Ross Associates: Special Permit Application – Major Industrial Complex 6 Progress Avenue, Tyngsborough, dated 1/14/2010
5. Tyngsborough Planning Board to Mark Dupell: 30 Progress Ave. Occupancy, dated 1/12/10
6. Mark Dupell fax to Walter Eriksen: 30 Progress Ave. Occupancy, dated 1/12/10
7. Walter Eriksen letter to Planning Board: 30 Progress Ave., dated 1/13/10

Members Present: Steve Nocco, Chairman  
Tom Delmore, Vice Chairman  
Caryn DeCarteret  
Steve O'Neill  
Jim Miller  
Bill Gramer, Associate Member  
Jesse Johnson, P.E.: David E. Ross Associates  
Pamela Berman, Clerk

**7:00pm -** Meeting called to order by Chairman C. DeCarteret

C. DeCarteret announced that her term on the Planning Board will be expiring in May 2010, and she will not be seeking re-election. Therefore, she will be resigning as Chairman in order for the Planning Board to re-organize with members that will remain on the Board after she leaves.

**T. Delmore:** Motion to appoint Steven Nocco as Chairman of the Planning Board

**J. Miller:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

**C. DeCarteret:** Motion to appoint Tom Delmore as Vice Chairman of the Planning Board

**J. Miller:** 2<sup>nd</sup> the motion

**In Favor: 4 Opposed: 0 Absent: 1**

**Passes: 4-0-1**

**7:05pm** Steve O'Neill entered the meeting.

**7:05pm - ANR Application – 15, 19, 21 & 27 Primrose Lane**

Jeff Brem of Meisner Brem Corporation appeared before the Board representing the applicants (Shawn & Jennifer McManus – 15 Primrose Lane, Michael Maguire & Mary Blane – 19 Primrose Lane, Scott & Deborah Bradshaw – 21 Primrose Lane, Ronald Sprague – 27 Primrose Lane). Mr. Brem explained that when the lot lines were drawn and built as part of the subdivision, they were done so at an odd formation that has meant for setback and septic issues on each of the properties. The intent of this ANR plan is to move the lot lines so they are fully conforming setback and septic requirements. All of the lot square footages would remain identical. Planning Board engineer, Jesse Johnson reviewed the plans and noted that all of the necessary requirements were met.

**S. O'Neill:** Motion to approve the ANR plan for 15, 19, 21 & 27 Primrose Lane, dated October 5, 2009

**C. DeCartert:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

**7:15pm Jonathan Circle Street Acceptance**

Dave Trahan appeared before the Board to explain that all of the loose ends have been met with regards to the street acceptance package for Jonathan Circle. J. Johnson indicated that his review is complete and that the remaining bond will be sufficient for the final top coat on the street this coming spring.

**T. Delmore:** Motion to make a recommendation to the Tyngsborough Board of Selectmen that Jonathan Circle be considered for street acceptance at the 2010 Annual Town Meeting.

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

**7:20pm 6 Progress Ave. – Special Permit Application**

**C. DeCarteret:** Motion to waive the reading of the legal ad

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

**C. DeCartert:** Motion to waive the reading of the abutters list

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

Doug Lees of Land Engineering & Environmental Services, Inc. appeared before the Board representing the applicant regarding a Special Permit for a 26,650 square foot six (6 ) unit building. One unit of the building would be occupied by A.S.A.P Fire & Safety Corporation, and the other 5 units would be rented out to other businesses. This site was approved for a similar project in 2001, but the project eventually fell through. The proposed site plan calls for two (2) driveway accesses, one from Progress Ave., and one from Cummings Rd. The applicant will have to file for a variance with the ZBA for the road access, but has not done so as of this hearing. In addition, a wetlands filing will have to be submitted to the Conservation Commission over and above the stormwater management review that is required under the Town's new Stormwater Management By-law. That hearing is scheduled for January 26, 2010. Engineer, J. Johnson reviewed the site plan and found numerous deficiencies that require attention. Among these deficiencies include several zoning by-law requirements that were omitted from the plan, as well as drainage and design concerns. The Board was concerned with the additional entrance on Cummings Rd. There are residential homes that abut the property and those people will be impacted by the noise, odor, and traffic flow generated from the businesses occupying the building. Those abutters from Cummings Rd. were present at the hearing and voiced the same concerns mentioned by the Board. They also requested that a fence and landscaping be incorporated into the plan that would help alleviate the noise, and traffic concerns. C. DeCarteret was also concerned that the parking spaces were insufficient for the number of potential employees and service vehicles associated with the businesses. S. Nocco suggested an alternate location for the garage doors on the building which might alleviate the parking and road access concerns. Mr. Lees said that he would report the abutter's, engineer's, and Board's concerns to the owners and architect and be ready to present something new at a future meeting. In addition, the Board wanted to hear what the Conservation Commission had to say about the stormwater management plans and any other wetland issues.

**C. DeCarteret:** Motion to continue the hearing for 6 Progress Ave. until February 18, 2010 at 7:00pm.

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

**8:10pm**

**C. DeCarteret:** Motion for a 5 minute meeting break

**T. Delmore:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

## **Discussion**

**30 Progress Ave. Occupancy:** Per the request of the Planning Board and Building Commissioner Mark Dupell, Walter Eriksen appeared before the Board to address the premature occupancy of 30 Progress Ave. which is a violation of the Special Permit conditions. Mr. Eriksen explained that due to unforeseen financial difficulties, the work that was required to be completed prior to building occupancy was delayed. Mr. Eriksen anticipates that he will be able to finish things up in the late spring and asked for temporary relief from the Special Permit condition regarding occupancy. The Board asked what still needs to be done at the site. Mr. Eriksen said that the final pavement and landscaping is pending completion and spoke to Mr. Dupell about finishing the work by May 30, 2010. J. Miller asked how much time it would take to complete the unfinished work. Mr. Eriksen indicated that barring any unforeseen weather problems, it should take about one week.

**C. DeCarteret:** Motion to extend the deadline to 30 Progress Ave. to allow partial building occupancy until close of business on May 15, 2010. If said work is not completed, the Building Commissioner is authorized to shut down the operation.

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

## **Zoning By-Law Proposals**

C. DeCarteret recused herself from this discussion.

Developer, Walter Eriksen appeared before the Board to summarize a proposed Zoning By-Law amendment for Section 2.11.43, and the proposed addition of a new Zoning By-Law section for Mixed-Use Village Overlay Districts. The proposals would be the first step in laying the groundwork for the development of the Tyngsborough Commons project and solar energy panel fields. The zoning amendment and addition would allow Mr. Eriksen to proceed with the design stages only of the project. The permitting stage will be visited at a later date. In addition to the Planning Board review and public hearing, Town Counsel and NMCOG will review the proposed amendments.

## **Administrative**

**9:15pm**

**C. DeCarteret:** Motion to adjourn

**S. O'Neill:** 2<sup>nd</sup> the motion

**In Favor: 6 Opposed: 0**

**Passes: 6-0**

Minutes respectfully submitted by  
Pamela Berman  
Planning Board Administrative Assistant